

Adopted	Rejected
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COMMITTEE REPORT

YES:	14
NO:	12

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1729, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, strike lines 9 through 10.
- 2 Page 9, line 29, strike "gambling excursion" and insert "**riverboat**".
- 3 Page 16, between lines 31 and 32, begin a new paragraph and insert:
- 4 "**(b) This subsection applies only to a licensed owner who**
- 5 **permits the continuous ingress and egress of passengers for the**
- 6 **purposes of gambling. An additional tax is imposed on admissions**
- 7 **to a riverboat authorized under this article at a rate of one dollar**
- 8 **(\$1) for each patron who is on board at the time a passenger count**
- 9 **is recorded.**
- 10 **(c) This subsection applies only to a licensed owner who**
- 11 **conducts gambling games on a permanently or continuously**
- 12 **moored vessel. An additional tax is imposed on admissions to a**
- 13 **riverboat authorized under this article at a rate of one dollar (\$1)**
- 14 **for each patron who is on board at the time a passenger count is**
- 15 **recorded."**
- 16 Page 16, line 32, delete "(b)" and insert "(d)".

- 1 Page 16, line 35, delete "(c)" and insert "(e)".
- 2 Page 16, line 41, delete "(d)" and insert "(f)".
- 3 Page 18, delete lines 23 through 42.
- 4 Delete pages 19 through 22.
- 5 Page 23, delete lines 1 through 41.
- 6 Page 26, line 23, delete "IC 4-31-7.5-19" and insert
- 7 "IC 4-31-7.5-17".
- 8 Page 26, line 25, delete "19." and insert "17".
- 9 Page 28, line 35, after "licenses." insert **"Both satellite facilities**
- 10 **must be located in a blighted area as designated under**
- 11 **IC 36-7-15.1."**
- 12 Page 30, delete lines 31 through 33.
- 13 Page 30, line 34, delete "13." and insert **"12(a)."**
- 14 Page 30, line 34, delete "taxes" and insert **"tax revenues"**.
- 15 Page 30, line 35, after "month" insert **"at a racetrack described in**
- 16 **section 5(1) of this chapter and a satellite facility described in**
- 17 **section 17 of this chapter."**
- 18 Page 30, line 37, delete "of the tax revenue collected".
- 19 Page 30, line 38, delete "under this chapter".
- 20 Page 30, line 38, delete "in equal shares to the" and insert **"as**
- 21 **follows:"**.
- 22 Page 30, delete line 39.
- 23 Page 30, line 40, after "(A)" delete "The" and insert **"Two-thirds**
- 24 **(2/3) to the"**.
- 25 Page 31, line 5, after "shares to" insert **"the fiscal officers of"**.
- 26 Page 31, delete line 14.
- 27 Page 31, line 15, delete "(C) The" and insert **"(B) One-third (1/3)**
- 28 **to the"**.
- 29 Page 31, line 19, delete "distributed".
- 30 Page 31, line 23, delete "to be distributed".
- 31 Page 31, line 25, delete "to be distributed".
- 32 Page 31, line 29, delete "to be distributed".
- 33 Page 31, line 31, delete "be retained by".
- 34 Page 31, line 33, delete "of the tax revenue collected".
- 35 Page 31, line 34, delete "under this chapter".
- 36 Page 31, line 34, delete "state pari-mutuel".
- 37 Page 31, line 35, delete "surplus fund" and insert **"build Indiana**
- 38 **fund lottery and gaming surplus account"**.

Page 31, between lines 35 and 36, begin a new paragraph and insert:

"(b) Before the fifteenth day of each month, taxes collected under this chapter during the preceding month at a facility described in section 5(2) or 5(3) shall be distributed as follows:

(1) Twenty-five percent (25%) shall be distributed as follows:

(A) Two-thirds (2/3) to the fiscal officer of the consolidated city in which a satellite facility where pull tabs are sold is located.

(B) One-third (1/3) to the fiscal officer of a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500) to be distributed as follows:

(i) Thirty percent (30%) to the fiscal officer of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(ii) Ten percent (10%) to the tourism commission of a town described in item (i).

(iii) Twenty-five percent (25%) to the fiscal officer of a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.

(iv) Five percent (5%) to the tourism commission of a town described in item (iii).

(v) Thirty percent (30%) to the fiscal officer of the county.

(2) Seventy-five percent (75%) shall be deposited in the build Indiana fund lottery and gaming surplus account.

(c) A consolidated city may use revenues received under this chapter only for economic development or redevelopment projects or purposes authorized under IC 6-3.5-7-13.1(c), IC 36-7-12, or IC 36-7-15.1.

(d) The state board of tax commissioners may not reduce the property tax levy of the consolidated city or any of its special taxing districts or special service districts (as described in IC 36-3-1-6) by the amount of revenue received from a tax imposed under this article."

Page 31, delete lines 36 through 42.

Page 32, delete lines 1 through 9.

- 1 Page 32, line 10, delete "15." and insert "**13.**".
- 2 Page 32, line 27, delete "16." and insert "**14.**".
- 3 Page 32, line 31, delete "17." and insert "**15.**".
- 4 Page 32, line 32, delete "5(1) or (5)(2) of" and insert "**5(2) or 5(3)**
- 5 **of this chapter until the permit holder has provided at least fifteen**
- 6 **million dollars (\$15,000,000) in improvements and infrastructure**
- 7 **to support the facility as approved by the capital improvement**
- 8 **board of managers as created under IC 36-10-9-3.**".
- 9 Page 32, delete lines 33 through 41.
- 10 Page 32, line 42, delete "18." and insert "**16.**".
- 11 Page 34, line 9, after "(a)" delete "." and insert "**and shall be**
- 12 **deposited in the state general fund.**".
- 13 Page 34, line 11, after "pay" insert "**to the department of state**
- 14 **revenue**".
- 15 Page 34, line 21, after "commission." insert "**The tax imposed**
- 16 **under this subsection is in addition to the tax imposed under**
- 17 **subsection (a) and shall be deposited in the state general fund.**".
- 18 Page 34, line 27, after "the" insert "**city or consolidated**".
- 19 Page 34, line 30, after "racetrack" insert "**or satellite facility**".
- 20 Page 34, line 31, after "." insert "**A consolidated city may use**
- 21 **revenues received under this section only for economic**
- 22 **development or redevelopment projects or purposes authorized**
- 23 **under IC 6-3.5-7-13.1(c), IC 36-7-12, or IC 36-7-15.1.**".
- 24 Page 35, between lines 13 and 14, begin a new paragraph and insert:
- 25 "SECTION 44. IC 4-31-14 IS ADDED TO THE INDIANA CODE
- 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2001]:
- 28 **Chapter 14. Minority and Women Business Participation**
- 29 **Sec. 1. This chapter applies to persons holding a permit to**
- 30 **operate a racetrack under IC 4-31-5 at which pari-mutuel pull tab**
- 31 **tickets are sold or a license to operate a satellite facility under**
- 32 **IC 4-31-5.5 at which pari-mutuel pull tab tickets are sold.**
- 33 **Sec. 2. The general assembly declares that it is essential for**
- 34 **minority and women's business enterprises to have the opportunity**
- 35 **for full participation in the pari-mutuel pull tab game industry if**
- 36 **minority and women's business enterprises are to obtain social and**
- 37 **economic parity and if the economies of the cities, towns, and**
- 38 **counties in which pari-mutuel pull tab games are operated are to**

1 be stimulated as contemplated by this article.

2 Sec. 3. As used in this chapter, "minority" means a person who
3 is one (1) of the following:

- 4 (1) Black.
- 5 (2) Hispanic.
- 6 (3) Asian American.
- 7 (4) Native American or Alaskan native.

8 Sec. 4. As used in this chapter, "minority business enterprise"
9 means a business that is one (1) of the following:

- 10 (1) A sole proprietorship owned and controlled by a minority.
- 11 (2) A partnership or joint venture owned and controlled by
12 minorities:

- 13 (A) in which at least fifty-one percent (51%) of the
14 ownership interest is held by at least one (1) minority; and
- 15 (B) the management and daily business operations of
16 which are controlled by at least one (1) of the minorities
17 who own the business.

- 18 (3) A corporation or other entity:
 - 19 (A) whose management and daily business operations are
20 controlled by at least one (1) of the minorities who own the
21 business; and
 - 22 (B) that is at least fifty-one percent (51%) owned by at
23 least one (1) minority, or if stock is issued, at least fifty-one
24 percent (51%) of the stock is owned by at least one (1)
25 minority.

26 Sec. 5. As used in this chapter, "women's business enterprise"
27 means a business that is one (1) of the following:

- 28 (1) A sole proprietorship owned and controlled by a woman.
- 29 (2) A partnership or joint venture owned and controlled by
30 women in which:

- 31 (A) at least fifty-one percent (51%) of the ownership is
32 held by women; and
- 33 (B) the management and daily business operations of
34 which are controlled by at least one (1) of the women who
35 own the business.

- 36 (3) A corporation or other entity:
 - 37 (A) whose management and daily business operations are
38 controlled by at least one (1) of the women who own the

1 business; and
 2 **(B) that is at least fifty-one percent (51%) owned by**
 3 **women, or if stock is issued, at least fifty-one percent**
 4 **(51%) of the stock is owned by at least one (1) of the**
 5 **women.**

6 **Sec. 6. (a) As used in this section, "goods and services" does not**
 7 **include the following:**

- 8 **(1) Utilities and taxes.**
- 9 **(2) Financing costs, mortgages, loans, or other debt.**
- 10 **(3) Medical insurance.**
- 11 **(4) Fees and payments to a parent or an affiliated company of**
 12 **the permit holder or satellite facility operator, other than fees**
 13 **and payments for goods and services supplied by nonaffiliated**
 14 **persons through an affiliated company for the use or benefit**
 15 **of the permit holder or satellite facility operator.**
- 16 **(5) Rents paid for real property or payment constituting the**
 17 **price of an interest in real property as a result of a real estate**
 18 **transaction.**

19 **(b) Notwithstanding any law or rule to the contrary, a permit**
 20 **holder or satellite facility operator shall establish goals of**
 21 **expending at least:**

- 22 **(1) The greater of:**
 - 23 **(A) ten percent (10%) of the dollar value of the permit**
 24 **holder or satellite facility operator's contracts; or**
 - 25 **(B) that percentage of the dollar value of the permit holder**
 26 **or satellite facility operator's contracts that represents the**
 27 **percentage of minorities who reside in the county in which**
 28 **the racetrack or satellite facility is located;**
- 29 **for goods and services with minority business enterprises.**
- 30 **(2) Five percent (5%) of the dollar value of the permit holder**
 31 **or satellite facility operator's contracts for goods and services**
 32 **with women's business enterprises.**

33 **A permit holder or satellite facility operator shall submit quarterly**
 34 **reports to the commission that outline the total dollar value of**
 35 **contracts awarded for goods and services and the percentage**
 36 **awarded to minority and women's business enterprises.**

37 **(c) A permit holder or satellite facility operator shall make a**
 38 **good faith effort to meet the requirements of this section and shall**

1 quarterly, unless otherwise directed by the commission,
2 demonstrate to the commission at a public meeting that an effort
3 was made to meet the requirements.

4 (d) A permit holder or satellite facility operator may fulfill not
5 more than seventy percent (70%) of an obligation under this
6 chapter by requiring a vendor to set aside a part of a contract for
7 minority or women's business enterprises. Upon request, the
8 permit holder or satellite facility operator shall provide the
9 commission with proof of the amount of the set aside.

10 Sec. 7. If the commission determines that the provisions of this
11 chapter relating to expenditures and assignments to minority and
12 women's business enterprises have not been met by a permit holder
13 or satellite facility operator, the commission may suspend, limit, or
14 revoke the person's license or permit or fine or impose appropriate
15 conditions on the license or permit to ensure that the goals for
16 expenditures and assignments to minority and women's business
17 enterprises are met. However, if a determination is made that a
18 permit holder or satellite facility operator has failed to
19 demonstrate compliance with this chapter, the person has ninety
20 (90) days from the date of the determination of noncompliance to
21 comply.

22 Sec. 8. The commission shall establish and administer a unified
23 certification procedure for minority and women's business
24 enterprises that do business with permit holders and satellite
25 facility operators on contracts for goods and services or contracts
26 for business.

27 Sec. 9. The commission shall supply permit holders and satellite
28 facility operators with a list of the minority and women's business
29 enterprises the commission has certified under section 8 of this
30 chapter. The commission shall review the list at least annually to
31 determine the minority and women's business enterprises that
32 should continue to be certified. The commission shall establish a
33 procedure challenging the designation of a certified minority and
34 women's business enterprise. The procedure must include proper
35 notice and a hearing for all parties concerned.

36 Sec. 10. The commission shall adopt other rules necessary to
37 interpret and implement this chapter."

38 Page 38, between lines 33 and 34, begin a new line block indented

1 and insert:

2 **"(7) One dollar (\$1) of the admissions tax collected by the**
 3 **licensed owner under section 1(b) of this chapter for each**
 4 **person embarking on a riverboat during the quarter shall be**
 5 **deposited into the social service assistance fund established**
 6 **under section 7 of this chapter. Money deposited into the**
 7 **account under this subdivision must be allocated as follows:**

8 **(A) Twenty-five percent (25%) must be deposited into the**
 9 **housing trust fund established by IC 5-20-4-7.**

10 **(B) Twenty-five percent (25%) for homeless centers.**

11 **(C) Twenty-five percent (25%) for mental health centers.**

12 **(D) Twenty-five percent (25%) for addiction services.**

13 **(8) One dollar (\$1) of the admissions tax collected by the**
 14 **licensed owner under section 1(c) of this chapter for each**
 15 **person embarking on a riverboat during the quarter shall be**
 16 **allocated as follows:**

17 **(A) Two-thirds (2/3) must be deposited into the Lake**
 18 **Michigan property tax relief fund established under**
 19 **section 8 of this chapter.**

20 **(B) One-third (1/3) must be deposited into the shoreline**
 21 **environmental trust fund established under IC 36-7-13.5."**

22 Page 39, line 23, after "unit's" insert "calculated".

23 Page 39, line 23, strike "or actual".

24 Page 39, line 24, after "IC 6-1.1-18.5" delete ";" and insert ", **but**
 25 **may be used at the discretion of the unit to reduce the property tax**
 26 **levy of the unit for a particular year without it being considered**
 27 **additional revenue in subsequent years;".**

28 Page 40, between lines 6 and 7, begin a new paragraph and insert:

29 "SECTION 50. IC 4-33-12-7 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2001]: **Sec. 7. (a) The social service assistance fund is established**
 32 **for the purpose of making the distributions required under section**
 33 **6(b)(7) of this chapter. The fund consists of:**

34 **(1) money paid into the fund under section 6(b)(7) of this**
 35 **chapter;**

36 **(2) grants, gifts, and donations intended for deposit in the**
 37 **fund; and**

38 **(3) interest that accrues from money in the fund.**

(b) The fund shall be administered by the budget agency. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(c) Subject to review by the budget committee and approval by the budget agency, the treasurer of state shall distribute money from the fund to public and private entities to provide the services described in section 6(b)(7) of this chapter.

(d) An entity providing a service described in section 6(b)(7) of this chapter may apply to the budget agency for a grant under this section on a form prescribed by the budget agency.

SECTION 51. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The Lake Michigan property tax relief fund is established for the purpose of providing property tax relief in a county described in subsection (c). The fund consists of:

- (1) money paid into the fund under section 6(b)(8)(A) of this chapter;
- (2) grants, gifts, and donations intended for deposit in the fund; and
- (3) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(c) Subject to review by the budget committee and approval by the budget agency, the treasurer of state shall distribute money for property tax relief in the following counties:

- (1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (2) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000).
- (3) A county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight

1 thousand (108,000).

2 (d) The money in the fund shall, in the manner prescribed in this
3 section, be allocated, distributed, and used by the civil taxing units
4 and school corporations in the counties described in subsection (c)
5 as property tax replacement credits.

6 (e) The amount of property tax replacement credits that each
7 civil taxing unit and school corporation in the counties described
8 in subsection (c) is entitled to receive during a calendar year equals
9 the product of:

10 (1) the amount of revenue deposited in the fund during the
11 previous year; multiplied by

12 (2) a fraction determined as follows:

13 (A) The numerator of the fraction equals the sum of the
14 total property taxes being collected by the civil taxing unit
15 or school corporation during that calendar year.

16 (B) The denominator of the fraction equals the sum of the
17 total property taxes being collected by all civil taxing units
18 and school corporations in the counties described in
19 subsection (c).

20 (f) The state board of tax commissioners shall provide each
21 county auditor with the amount of property tax replacement
22 credits that each civil taxing unit and school corporation in the
23 auditor's county is entitled to receive under this section. The
24 county auditor shall then certify to each civil taxing unit and school
25 corporation the amount of property tax replacement credits it is
26 entitled to receive (after adjustment made under subsection (g))
27 during that calendar year. The county auditor shall also certify
28 these distributions to the county treasurer.

29 (g) If a civil taxing unit or school corporation of a county
30 described in subsection (c) does not impose a property tax levy that
31 is first due and payable in a calendar year in which property tax
32 replacement credits are being distributed, that civil taxing unit or
33 school corporation is entitled to receive a proportion of the
34 property tax replacement credits to be distributed under this
35 section. The amount such a civil taxing unit or school corporation
36 is entitled to receive during that calendar year equals the product
37 of:

38 (1) the amount of revenue deposited in the fund during the

1 previous year; multiplied by

2 (2) a fraction determined as follows:

3 (A) The numerator of the fraction equals the budget of that
4 civil taxing unit or school corporation for that calendar
5 year.

6 (B) The denominator of the fraction equals the aggregate
7 budgets of all civil taxing units and school corporations in
8 the counties described in subsection (c) for that calendar
9 year.

10 If for a calendar year a civil taxing unit or school corporation is
11 allocated property tax replacement credits by this subsection, the
12 formula used in subsection (e) to determine all other civil taxing
13 units' and school corporations' property tax replacement credits
14 shall be changed for that same year by reducing the amount
15 dedicated to providing property tax replacement credits by the
16 amount of property tax replacement credits allocated under this
17 subsection for that same calendar year. The state board of tax
18 commissioners shall make any adjustments required by this
19 subsection and provide them to the appropriate county auditors.

20 (h) In determining the amount of property tax replacement
21 credits civil taxing units and school corporations in a county
22 described in subsection (c) are entitled to receive during a calendar
23 year, the state board of tax commissioners shall consider only
24 property taxes imposed on tangible property that was assessed in
25 the counties described in subsection (c).

26 (i) If a civil taxing unit or a school corporation is located in part
27 in a county that is not described in subsection (c), the property tax
28 replacement credits received under this section shall be used only
29 to reduce the property tax rates that are imposed within the county
30 described in subsection (c) that distributed the property tax
31 replacement credits.

32 (j) A civil taxing unit shall treat any property tax replacement
33 credits that it receives or is to receive during a particular calendar
34 year as a part of its property tax levy for that same calendar year
35 for purposes of fixing its budget and for purposes of the property
36 tax levy limits imposed by IC 6-1.1-18.5.

37 (k) A school corporation shall treat any property tax
38 replacement credits that the school corporation receives or is to

1 receive during a particular calendar year as a part of its property
 2 tax levy for its general fund, debt service fund, capital projects
 3 fund, transportation fund, and special education preschool fund in
 4 proportion to the levy for each of these funds for that same
 5 calendar year for purposes of fixing its budget and for purposes of
 6 the property tax levy limits imposed by IC 6-1.1-19. A school
 7 corporation shall allocate the property tax replacement credits
 8 described in this subsection to all five (5) funds in proportion to the
 9 levy for each fund.

10 SECTION 52. IC 4-33-13-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A tax is imposed
 12 on the adjusted gross receipts received from gambling games
 13 authorized under this article at the rate of twenty percent (20%) of the
 14 amount of the adjusted gross receipts: set forth in the following table:

Portion of Adjusted Gross Receipts	Tax Rate
Less than \$25,000,000	20%
At least \$25,000,000 but less than \$50,000,000	25%
At least \$50,000,000 but less than \$75,000,000	30%
At least \$75,000,000 but less than \$100,000,000	35%
At least \$100,000,000	40%

24 (b) The licensed owner shall remit the tax imposed by this chapter
 25 to the department before the close of the business day following the day
 26 the wagers are made.

27 (c) The department may require payment under this section to be
 28 made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

29 (d) If the department requires taxes to be remitted under this chapter
 30 through electronic funds transfer, the department may allow the
 31 licensed owner to file a monthly report to reconcile the amounts
 32 remitted to the department.

33 (e) The department may allow taxes remitted under this section to
 34 be reported on the same form used for taxes paid under IC 4-33-12.

35 (f) Each month the department shall determine the following:

36 (1) The amount of taxes imposed by this chapter that are
 37 remitted by a licensed owner.

38 (2) The result of:

(A) the amount of taxes imposed by this chapter that would have been remitted by a licensed owner if all of the licensed owner's adjusted gross receipts received from gambling games authorized under this article were taxed at the rate of twenty percent (20%); multiplied by
(B) twenty-five percent (25%).

(3) The result of the subdivision (1) amount minus the subdivision (2) amount.

SECTION 53. IC 4-33-13-4, AS AMENDED BY P.L.273-1999, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. Sufficient funds are annually appropriated to the commission from the state gaming fund to administer this article. **The allotment of money appropriated under this section is subject to approval by the state budget agency after review by the state budget committee.**

SECTION 54. IC 36-7-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 13.5. Shoreline Environmental Trust Fund

Sec. 1. The shoreline environmental trust fund is established.

Sec. 2. (a) The budget agency shall administer the fund.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Grants and gifts intended for deposit in the fund.

(3) Interest, gains, or other earnings of the fund.

(4) Money deposited in the fund under IC 4-33-12-6(b)(8)(B).

(d) The budget agency shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest, gains, or other earnings from these investments shall be credited to the fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow

disbursements by the trustee to the budget agency as provided in the trust agreement or indenture. The budget agency and the state board of finance must approve any trust agreement or indenture before its execution.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 40, line 12, strike "Twenty-five percent (25%) of the tax revenue remitted by" and insert "**The amount determined under section 1(f)(2) of this chapter for**".

Page 40, line 24, strike "Seventy-five percent (75%) of the tax revenue remitted by" and insert "**The amount determined under section 1(f)(3) of this chapter for**".

Page 42, between lines 22 and 23, begin a new paragraph and insert:
"SECTION 58. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Money paid to a unit of local government under this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's ~~calculated~~ maximum ~~or actual~~ levy under IC 6-1.1-18.5, **but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year without it being considered additional revenue in subsequent years;** and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

SECTION 59. IC 4-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

(1) Utilities and taxes.

(2) Financing costs, mortgages, loans, or other debt.

(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of the

1 person holding an owner's license, other than fees and payments
 2 for goods and services supplied by nonaffiliated persons through
 3 an affiliated company for the use or benefit of the person holding
 4 the owner's license.

5 (5) Rents paid for real property or payments constituting the price
 6 of an interest in real property as a result of a real estate
 7 transaction.

8 (b) Notwithstanding any law or rule to the contrary, a person issued
 9 an owner's license shall establish goals of expending at least:

10 (1) ten percent (10%) of the dollar value of the licensee's
 11 contracts for goods and services with minority business
 12 enterprises; and

13 (2) five percent (5%) of the dollar value of the licensee's contracts
 14 for goods and services with women's business enterprises.

15 A person holding an owner's license shall submit annually to the
 16 commission a report that includes the total dollar value of contracts
 17 awarded for goods or services and the percentage awarded to minority
 18 and women's business enterprises.

19 (c) A person holding an owner's license shall make a good faith
 20 effort to meet the requirements of this section and shall annually
 21 demonstrate to the commission **at a public meeting** that an effort was
 22 made to meet the requirements.

23 (d) A person holding an owner's license may fulfill not more than
 24 seventy percent (70%) of an obligation under this chapter by requiring
 25 a vendor to set aside a part of a contract for minority or women's
 26 business enterprises. Upon request, the licensee shall provide the
 27 commission with proof of the amount of the set aside.

28 SECTION 60. IC 4-33-4-2.5 IS ADDED TO THE INDIANA CODE
 29 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2001]: **Sec. 2.5. (a) The commission may not enter a settlement
 31 agreement to dispose of a disciplinary proceeding under 68
 32 IAC 13-1 that requires a licensee or an employee of a licensee to
 33 pay money to the commission other than a civil penalty that is:**

34 **(1) permitted under this chapter; and**

35 **(2) deposited in the state gaming fund established by
 36 IC 4-33-13-2.**

37 **(b) The commission may not enter a settlement agreement to
 38 dispose of a disciplinary proceeding under 68 IAC 13-1 that**

1 requires a licensee or an employee of a licensee to pay money to
2 any entity other than the commission.

3 SECTION 61. IC 4-31-14 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2001]:

6 **Chapter 14. Political Activity of Permit Holders and Persons**
7 **Who Have an Interest in a Permit Holder.**

8 **Sec. 1. This chapter applies only to contributions made after**
9 **June 30, 2001.**

10 **Sec. 2. The definitions in IC 3-5-2 apply to this section to the**
11 **extent they do not conflict with the definitions in this article.**

12 **Sec. 3. As used in this chapter, "candidate" refers to any of the**
13 **following:**

- 14 (1) A candidate for a state office.
- 15 (2) A candidate for a legislative office.
- 16 (3) A candidate for a local office.

17 **Sec. 4. As used in this chapter, "committee" refers to any of the**
18 **following:**

- 19 (1) A candidate's committee.
- 20 (2) A regular party committee.
- 21 (3) A committee organized by a legislative caucus of the house
- 22 of the general assembly.
- 23 (4) A committee organized by a legislative caucus of the senate
- 24 of the general assembly.

25 **Sec. 5. As used in this chapter, "officer" refers only to either of**
26 **the following:**

- 27 (1) An individual listed as an officer of a corporation in the
- 28 corporation's most recent annual report.
- 29 (2) An individual who is a successor to an individual described
- 30 in subdivision (1).

31 **Sec. 6. As used in this chapter, "property" has the meaning set**
32 **forth in IC 35-41-1-23.**

33 **Sec. 7. For purposes of this chapter, a person is considered to**
34 **have an interest in a permit holder if the person satisfies any of the**
35 **following:**

- 36 (1) The person holds at least a one percent (1%) interest in the
- 37 permit holder.
- 38 (2) The person is an officer of the permit holder.

1 (3) The person is an officer of a person that holds at least a
2 one percent (1%) interest in the permit holder.

3 (4) The person is a political action committee of the permit
4 holder.

5 Sec. 8. For purposes of this chapter, a permit holder is
6 considered to have made a contribution if a contribution is made
7 by a person who has an interest in the permit holder.

8 Sec. 9. A permit holder or a person with an interest in a permit
9 holder may not make a contribution to a candidate or a committee
10 during the following periods:

11 (1) The term during which the permit holder holds a permit.

12 (2) The three (3) years following the final expiration or
13 termination of the permit holder's permit.

14 Sec. 10. A permit holder or a person with an interest in a permit
15 holder may not give any property to a member of a precinct
16 committee to induce the member of the precinct committee to do
17 any act or refrain from doing any act with respect to the approval
18 of a local public question under IC 4-31-4.

19 Sec. 11. A permit holder or a person who has an interest in a
20 permit holder may not give any property to another person with
21 the understanding, either express or implied, that the other person
22 will make, or cause to be made, a contribution that the permit
23 holder or a person with an interest in a permit holder is prohibited
24 from making under this chapter.

25 Sec. 12. (a) For purposes of this section, "contribution" includes
26 money given to any of the following:

27 (1) A candidate for public office, including a candidate for
28 public office of any of the following:

29 (A) The United States.

30 (B) A state other than Indiana.

31 (C) A political subdivision of a state other than Indiana.

32 (2) A political committee, including political committees
33 operating outside Indiana.

34 (b) Not later than January 15 of each year, a permit holder or
35 a person who has an interest in a permit holder shall report to the
36 election division each contribution that in an aggregate amount
37 exceeds one hundred dollars (\$100) made by the permit holder or
38 the person who has an interest in the permit holder.

1 (c) A report required by this section must include the following
2 information for each contribution:

3 (1) The name of the candidate or committee to which the
4 contribution was made.

5 (2) The amount of the contribution.

6 (3) The date of the contribution.

7 (d) The election commission shall prescribe the form of the
8 report required by this section.

9 Sec. 13. A person who knowingly or intentionally violates
10 section 9, 10, 11, or 12 of this chapter commits a Class D felony.

11 SECTION 62. IC 4-33-2-12 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. Except as provided
13 in ~~IC 4-33-10-2.1~~, IC 4-33-17-6, "licensee" means a person holding
14 a license issued under this article.

15 SECTION 63. IC 4-33-17 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2001]:

18 Chapter 17. Political Activity of Licensees and Persons Who
19 Have an Interest in a Licensee.

20 Sec. 1. This chapter applies only to contributions made after
21 June 30, 2001.

22 Sec. 2. The definitions in IC 3-5-2 apply throughout this chapter
23 to the extent they do not conflict with the definitions in this article.

24 Sec. 3. As used in this chapter, "candidate" refers to any of the
25 following:

26 (1) A candidate for a state office.

27 (2) A candidate for a legislative office.

28 (3) A candidate for a local office.

29 Sec. 4. As used in this chapter "committee" refers to any of the
30 following:

31 (1) A candidate's committee.

32 (2) A regular party committee.

33 (3) A committee organized by a legislative caucus of the house
34 of the general assembly.

35 (4) A committee organized by a legislative caucus of the senate
36 of the general assembly.

37 Sec. 5. As used in this chapter, "license" means:

38 (1) an owner's license issued under this article; or

1 **(2) a supplier's license issued under this article to a supplier**
 2 **of gaming supplies or equipment, including electronic gaming**
 3 **equipment.**

4 **Sec. 6. As used in this chapter, "licensee" means a person who**
 5 **holds a license.**

6 **Sec. 7. As used in this chapter, "officer" refers only to either of**
 7 **the following:**

8 **(1) An individual listed as an officer of a corporation in the**
 9 **corporation's most recent annual report.**

10 **(2) An individual who is a successor to an individual described**
 11 **in subdivision (1).**

12 **Sec. 8. As used in this chapter, "property" has the meaning set**
 13 **forth in IC 35-41-1-23.**

14 **Sec. 9. For purposes of this chapter, a person is considered to**
 15 **have an interest in a licensee if the person satisfies any of the**
 16 **following:**

17 **(1) The person holds at least a one percent (1%) interest in the**
 18 **licensee.**

19 **(2) The person is an officer of the licensee.**

20 **(3) The person is an officer of a person that holds at least a**
 21 **one percent (1%) interest in the licensee.**

22 **(4) The person is a political action committee of the licensee.**

23 **Sec. 10. A licensee is considered to have made a contribution if**
 24 **a contribution is made by a person who has an interest in the**
 25 **licensee.**

26 **Sec. 11. A licensee or a person who has an interest in a licensee**
 27 **may not make a contribution to a candidate or a committee during**
 28 **the following periods:**

29 **(1) The term during which the licensee holds a license.**

30 **(2) The three (3) years following the final expiration or**
 31 **termination of the licensee's license.**

32 **Sec. 12. A licensee or a person with an interest in a licensee may**
 33 **not give any property to a member of a precinct committee to**
 34 **induce the member of the precinct committee to do any act or**
 35 **refrain from doing any act with respect to the approval of a local**
 36 **public question under IC 4-33-6-19.**

37 **Sec. 13. A licensee or a person who has an interest in a licensee**
 38 **may not give any property to another person with the**

1 understanding, either express or implied, that the other person will
 2 make, or cause to be made, a contribution that the licensee or a
 3 person with an interest in a licensee is prohibited from making
 4 under this chapter.

5 **Sec. 14. (a) For purposes of this section, "contribution" includes**
 6 **money given to any of the following:**

7 (1) A candidate for public office, including a candidate for
 8 public office of any of the following:

9 (A) The United States.

10 (B) A state other than Indiana.

11 (C) A political subdivision of a state other than Indiana.

12 (2) A political committee, including political committees
 13 operating outside Indiana.

14 (b) Not later than January 15 of each year, a licensee or a
 15 person who has an interest in a licensee shall report to the election
 16 division each contribution that in an aggregate amount exceeds one
 17 hundred dollars (\$100) made by the licensee or the person who has
 18 an interest in the licensee.

19 (c) A report required by this section must include the following
 20 information for each contribution:

21 (1) The name of the candidate or committee to which the
 22 contribution was made.

23 (2) The amount of the contribution.

24 (3) The date of the contribution.

25 (d) The election commission shall prescribe the form of the
 26 report required by this section.

27 **Sec. 15. A person who knowingly or intentionally violates**
 28 **section 11, 12, 13, or 14 commits a Class D felony.**

29 SECTION 64. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 JULY 1, 2001]: IC 4-31-13-3.5; IC 4-31-13-9; IC 4-33-10-2.1;
 31 IC 4-33-10-2.5.

32 SECTION 65. [EFFECTIVE JULY 1, 2001] **As provided in**
 33 **IC 1-1-5-1, the repeal of:**

34 (1) IC 4-31-13-3.5;

35 (2) IC 4-31-13-9;

36 (1) IC 4-33-10-2.1; and

37 (2) IC 4-33-10-2.5

38 **by this act does not affect crimes committed, penalties imposed, or**

- 1 **liabilities accrued under any of those statutes before July 1, 2001."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to HB 1729 as printed January 17, 2001.)

and when so amended that said bill do pass.

Representative Bauer